UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/SR.43
5 March 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 February 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

CONTENTS

Tribute to Mr. Blanca, Under-Secretary-General for Human Rights and Director-General of the United Nations Office at Geneva.

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-11291 (E)

CONTENTS (continued)

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights (continued)

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa (continued)

The meeting was called to order at 3.25 p.m.

TRIBUTE TO MR. BLANCA, UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS AND DIRECTOR-GENERAL OF THE UNITED NATIONS OFFICE AT GENEVA

1. The CHAIRMAN, speaking on behalf of the Commission, paid tribute to Mr. Antoine Blanca, Under-Secretary-General for Human Rights and Director-General of the United Nations Office at Geneva, who, after a year of providing the Commission with his full support as head of the Centre for Human Rights, was about to carry out other functions in the service of his country.

2. Mr. Blanca had been Ambassador of France to Argentina and, to the countries of South and Central America and the Caribbean, and United Nations Director-General for Development and International Economic Co-operation. By his competence, personal qualities and open-mindedness, he had succeeded in giving an unprecedented impulse to the Centre for Human Rights at a time when extraordinary and unforeseeable events had given a new direction to human rights issues. His consistent promotion of social justice and the freedom of peoples explained his commitment to the development of the underprivileged countries and to balanced economic relations.

3. As Coordinator of the International Year for the World's Indigenous People, he had spared no effort to encourage international cooperation among States and intergovernmental institutions to resolve the problems affecting the indigenous peoples with a view to increasing their participation in the planning and implementation of projects concerning them.

4. Thanks to Mr. Blanca's devotion and initiatives, the World Conference on Human Rights had been able to reach agreement on a provisional agenda. In short, he had always been determined that human rights should become a ground for cooperation among countries. The Commission wished him every success in his future activities and would always look back on him with affection.

5. Mr. FLINTERMAN (Netherlands), on behalf of the Western European and Other Countries Group, Mr. GARRETÓN (Chile), on behalf of the Latin American and Caribbean Group, Mr. TABATABAEE (Islamic Republic of Iran), on behalf of the Asian Group, Mr. DEMBINSKI (Poland), on behalf of the Central and Eastern European Group, and Mr. MOTULU (Observer for Equatorial Guinea), on behalf of the African Group, associated themselves fully with the Chairman's comments.

6. Mr. BLANCA (Under-Secretary-General for Human Rights and Director-General of the United Nations Office at Geneva) said he was very appreciative of the kind words of the Chairman on behalf of the Commission. He expressed his gratitude also to the heads of delegations and all the participants in the session with whom he had had the pleasure of collaborating.

7. It was during the period of the exercise of his functions that an historic event had taken place in the life of the Commission: the holding of special sessions at the request of half plus one of its members. The Commission's ability to respond to exceptional situations had been strengthened thereby.

8. As Under-Secretary-General for Human Rights, he had always felt that he was continuing his earlier efforts to promote development, which meant greater justice between nations and peoples. It was utterly inadmissible and, indeed, criminal that some Governments should use the tragedy of underdevelopment as a justification for not ensuring respect for the basic rights of their citizens, but there were, nevertheless, some international instruments which would remain dead letters as long as economic, social and political relations between the nations did not undergo a profound change. Individual and group rights were indissociable.

9. He said how much he admired the efforts of the working groups and the talented devotion of the special rapporteurs and representatives of the Secretary-General and expressed his esteem for his colleagues in the Centre for Human Rights, from whom he had learned to refuse to give up in the face of adversity, despite the enormous gap between the Centre's goals and the means at its disposal for attaining them.

10. More than once he had been dismayed by the Centre's material inability to carry out its most basic duties. To cite but two examples, the United Nations Voluntary Fund for Victims of Torture had been able to respond to less than 50 per cent of the moral obligations that it had contracted and, at a time when racial discrimination was experiencing a resurgence, the Committee on the Elimination of Racial Discrimination had been forced to reduce the number and length of its sessions. Given the growing needs of the Centre for Human Rights, a doubling, in constant dollars of its budget and staff size was a reasonable objective for the end of the century.

11. He wished his successor, Mr. Ibrahima Fall, the Commission and the human rights machinery of the United Nations every success in the future.

12. Mr. SCHERK (Austria) proposed that the Commission should decide, by acclamation, to express its gratitude to Mr. Antoine Blanca for his excellent service on behalf of the Commission and for his dedication to the cause of human rights.

13. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt the proposal of the delegation of Austria.

14. It was so decided.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(agenda item 11) (continued) (E/CN.4/1993/8, 29 and Add.1, 30-35, 87*, 90 and 96; E/CN.4/1993/NGO/2, 11 and 17)

15. Ms. SCHERER (Amnesty International) said that, over the past two years, the world had witnessed a dramatic increase in the number of refugees. In virtually every major region of the world, the plight of refugees had been a major issue and finding durable solutions had become a dominant item on the agenda of many international and intergovernmental organizations. It was widely accepted that finding such solutions required a concerted international effort.

16. People who fled across international borders in search of protection in other countries often did so because their most fundamental human rights were at risk. Indeed, many of the most pressing refugee situations currently facing the international community had arisen as a direct consequence of serious and widespread human rights violations.

17. The Commission had recognized the fact, but had, as yet, made no concerted effort to follow up on the connection between those violations and refugee movements in its consideration of the human rights situation in countries around the world. It had taken separate action on some specific country situations or particular types of violations leading to refugee movements, but had done so in a haphazard fashion only. As matters stood, efforts aimed at preventing or stopping human rights violations often proceeded without any attempt to address the link between the violations and refugee movements.

18. Her organization regretted the lack of focused attention by the Commission on that relationship, particularly in view of the increased attention being given within the United Nations to early-warning initiatives aimed at prompt United Nations action to deal with impending refugee movements. It was unlikely that the United Nations Department of Humanitarian Affairs, which was to act as the focal point on early warning, would address in a coordinated manner human rights violations that were causing or were likely to cause such movements, since it would have to tackle a much broader set of factors leading to involuntary migration and humanitarian emergencies. The Commission should thus actively consider the question of what its own role in the early warning system should be and bring into the system its own expertise on the specific issue of human rights violations.

19. Resolutions and activities of the Commission could be crucial in bringing pressure to bear on countries which were violating human rights and, in so doing, were forcing many of their people to flee to other countries. In situations where such violations were the result of Government policies and where a change in such policies could render possible the safe and voluntary return of refugees to their country of origin, the Commission could take appropriate measures to ensure that the Government acted strictly in accordance with its international human rights obligations.

20. The Commission should not, of course, duplicate or infringe upon the activities of the United Nations High Commissioner for Refugees (UNHCR). However, the Commission could play a role supportive of UNHCR in seeking to create conditions which might obviate the need for refugees to flee abroad and in ensuring that, in situations of a large influx of refugees fleeing human rights violations, the receiving State provided protection until such time as it was safe for them to return voluntarily. The High Commissioner herself had made some suggestions in that regard to the Commission at its previous session.

21. Her organization believed that the best way of addressing the current lack of effective action directed at preventing the human rights violations that caused refugee movements was to have a separate Commission agenda item dealing with such violations and movements. To facilitate a focused discussion on the issues, the reports of UNHCR on its protection activities throughout the world should be made available to the Commission.

22. Mr. DEL CASTILLO (Christian Democrat International) said that his organization, which had for years been urging the establishment of national and international instruments and institutions for the promotion and protection of human rights, welcomed the adoption of resolution 1992/54 by the Commission at its previous session. In that resolution, in addition to stressing the importance of establishing efficient national institutions for the promotion and protection of human rights, it also recognized the role played by those institutions in the dissemination of information on human rights and other public information activities organized under United Nations auspices. Much still remained to be done, however, to implement the resolution and to promote the Principles relating to the Status of National Institutions.

23. The States Members of the United Nations, and particularly those that were members of the Commission, had a dual responsibility: first, with regard to respect for and promotion of the fundamental rights of human beings in their own territories and, secondly, with respect to implementing the agreements emanating from the various United Nations bodies. Nevertheless, it was a well-known fact that a number of countries did not implement them fully, and that some countries ignored them completely.

24. For example, according to the representative of Cuba to the United Nations in New York, human rights organizations in Cuba had not even been allowed to obtain legal status, although they had made official requests to that end. In addition, their members and leaders had been constantly subjected to physical persecution and/or arbitrary imprisonment. His delegation thus called on the Government of Cuba, in accordance with Commission resolution 1992/54, to legalize the human rights organizations in the island and allow them to fulfil their purposes and objectives.

25. Ms. BRETT (Friends World Committee for Consultation), speaking also on behalf of the Commission of the Churches on International Affairs (WCC), welcomed the study prepared by the Representative of the Secretary-General on the human rights issues related to internally displaced persons (E/CN.4/1993/35). The organizations she represented were deeply concerned at the large numbers of internally displaced persons in the world and their

vulnerability because no United Nations body was responsible for their protection. Displaced persons clearly needed to be provided with both assistance and protection, but it was equally important to address the causes of displacement, which was often due to human rights violations and also a cause of them.

26. In considering how to address the problem of internally displaced persons, there were several points to be borne in mind: first, such persons must not be prevented from becoming refugees if crossing an internationally recognized border was necessary to ensure their protection and humanitarian assistance to them; secondly, the protection and assistance needs of internally displaced persons were not identical with those of refugees because they remained within their own country; and thirdly, the fact that they had not crossed an internationally-recognized border did not affect the applicability of international human rights law in view of the Government's responsibility to protect the human rights of its own citizens and its accountability to the international community for any failure to do so.

27. The organizations she represented were grateful to the Representative of the Secretary-General for the thorough way in which he had highlighted the issues and suggested ways forward. They welcomed his recommendations, particularly the recognition of the need to compile and consolidate the relevant international instruments and standards focused on the human rights and humanitarian problems of internal displacement, and the strengthening of implementation procedures through the creation of an ongoing mechanism of the Commission.

28. The arguments put forward in the study for the Representative of the Secretary-General to be the appropriate mechanism were persuasive, because of the need to establish cooperation with various parts of the United Nations system and beyond in addressing the complex problems relating to internal displacement. The organizations she represented thus urged the Commission to adopt the study's recommendations.

29. Ms. TOM (Caritas Internationalis) said that the problem of the human rights of internally displaced persons, who numbered some 24 million, had only recently begun to be addressed and that there was as yet no mechanism within the United Nations system explicitly responsible for the protection needs of those persons. Much of the United Nations action had been on an ad hoc basis and tended to emphasize the assistance dimension, with human rights protection as a subsidiary consideration.

30. The appointment of a Representative of the Secretary-General was a significant first step and he was to be congratulated on his clear and comprehensive study (E/CN.4/1993/35). Her organization appreciated his detailed analysis of the situation in each of the countries he had visited and took note of his conviction that field missions could not only provide useful insight but could also, in fact, be an effective way of achieving concrete results.

31. However, much more needed to be done, both in formulating standards and in designating enforcement mechanisms to provide adequate protection and assistance to internally displaced persons.

32. Her organization fully supported the Representative's conclusions and recommendations, in particular the need to compile the relevant instruments and standards into a comprehensive document focused on the human rights and humanitarian problems of internal displacement. It agreed that it was timely and appropriate to establish a focal point on displaced persons within the United Nations human rights system. Because the challenges associated with displaced persons cut across so many operational and organizational lines, such a mechanism to be most effective would certainly benefit from an institutional association with the Office of the Secretary-General.

33. With regard to the question of humanitarian access, dealt with in paragraphs 83 to 86 of the study, her organization concurred with the points made by the United Nations High Commissioner for Refugees and the Department of Humanitarian Affairs. When basic human rights were threatened and the very survival of thousands of persons was at stake, the provision of humanitarian assistance became an urgent matter of international concern.

34. In conclusion, she urged the Commission to adopt a resolution extending and expanding the mandate of the Representative of the Secretary-General.

35. Mr. GRAU SIERRA (International Association of Educators for World Peace) said his organisation lamented the persistent violations of human rights throughout the world. Envy, hatred, cowardice, indolence and cruelty were destroying man's dignity and destiny. There were two classes of human beings - those that loved and built, and those that hated and destroyed. An all-out struggle between them had been taking place since the beginning of history, and it would continue as long as persecution, repression, despotism and exploitation prevailed. Millions of human beings were still submerged in tyranny and exploitation, while whole peoples were engulfed in bloody wars or were slowly dying under the most brutal repression.

36. For some score of years, the country to which he belonged had been suffering the violation of all its civic rights. People were tortured in its infernal prisons and concentration camps. Thousands had languished in the most abominable political prison that had ever existed in the Americas, and thousands had been executed by Castro-Stalinism. Many others, including children, had perished at sea while seeking to escape to freedom from the Castro regime.

37. It was the duty of all to promote human rights and to save such people from totalitarianism. Human rights groups existed in Cuba, but only because the system of oppression which misgoverned the country needed them to project an image to the world. Fortunately, many people were fully aware of what was happening, and the United Nations had appointed a Special Rapporteur to investigate the situation. The Castro regime displayed no respect for freedom and human dignity ... .

38. Mr. ALFONSO MARTINEZ (Cuba), speaking on a point of order, said that his delegation had frequently expressed its respect for freedom of expression in the Commission. Nevertheless, there was a regrettable tendency to use almost every single item on the Commission's agenda to attack his Government. A suitable occasion had been provided by the debate on item 10, and the situation in Cuba would again be discussed in the debate on item 12.

39. The Commission also had its rules concerning the type of language used. The kind of statement being made by the representative of the International Association of Educators for World Peace was thus not permissible, and he requested the Chairman to impose due order on the proceedings.

40. The CHAIRMAN said that the Commission was discussing agenda item 11 only. He urged all speakers to confine their statements to the issues covered by the current item to use diplomatic language and not to make direct attacks on Governments or individuals.

41. Mr. GRAU SIERRA (International Association of Educators for World Peace) said that, in the circumstances, he had nothing further to add.

42. The CHAIRMAN said that the Commission's debate on agenda item 11 provided a suitable opportunity to invite Mr. Abrams, who would shortly be leaving his post as United States Ambassador to the United Nations Office at Geneva, to take stock of his many years' experience of the campaign for human rights in the world.

43. Mr. ABRAM (United States of America), said that he had learned much in his 30 years' experience of the Commission on Human Rights. He had been strengthened in certain opinions, he had revised others, and he had abandoned a few. In particular, he had been exhilarated by the unanimity of acceptance, on paper, of the precepts of the Universal Declaration of Human Rights, but saddened by the spotty implementation in so many States and appalled by the gross and persistent violations in much of the world.

44. It was incontestable that the formulation of principles in the declarations, covenants and some United Nations resolutions had offered mankind a hope and vision which it had never before possessed. However, it was equally incontestable that persons sitting in their living rooms were currently aware, through television and radio, of a scale of horror that no previous generation had ever seen. There was still in existence a death sentence imposed - without trial - on Salman Rushdie by the Government of Iran, simply for writing a book, in exercise of his fundamental right to freedom of expression.

45. The genesis of the movement in which he had spent three decades was and remained the Universal Declaration of Human Rights. It was called universal because it defined a common yearning. It had been accepted by all, voluntarily and never by compulsion. As far as he knew, no State had ever entered reservations asserting that the Declaration's provisions were overridden by local tradition or cultural practice.

46. The appeal of the Universal Declaration had been well illustrated by a Swiss philosopher who had written, in 1981, that there was in all individuals and all cultures a need for and an expectation and sense of the rights set forth therein. The fundamental requirement was perceptible everywhere: that something was due to the human being simply because he was a human being. To advance the diversity of culture as a reason for refusing to recognize the universality of human rights could only be a poor pretext.

47. Progress had certainly been made towards the realization of human rights over the past 30 years - and many obstacles had been removed. The end of the confrontation between the former Soviet Union and the United States of America had removed blinkers from eyes and restraints on action. A State could no longer hide its practices behind the sheltering skirts of a great Power. Even more significant, the largest land mass in the world no longer insisted, that, while it signed solemn promises to protect its citizens, its performance was its own sovereign domestic business, immune and shielded from external criticism and action by Article 2 of the Charter.

48. There were some successors to that claim, but they were more and more isolated. Some States might be loathe to call others to account for human rights violations, but other States were not. And there were always non-governmental organizations to act as the ever-present eyes, ears and conscience of mankind.

49. The force of public opinion should never be underestimated. In his own country, segregation had fallen largely because an outraged public, led by outspoken moral leaders, had determined that the opportunity to pursue the "American dream" belonged to all. Some of the most vocal segregationists were political leaders who, whether their hearts had changed or not, had changed their language, their actions and their votes.

50. On the international scene, there had also been human rights victories. A notable example was the crumbling of the Berlin Wall, which had been foreshadowed by article 13 of the Universal Declaration of Human Rights, proclaiming the right of everyone to leave any country, including his own. The former German Democratic Republic, a signatory in 1975 to those same promises in the Helsinki Final Act, had eventually been powerless to maintain the Wall, which had been destroyed not by hands but by a flood of feet determined to claim the promised right to leave.

51. Nevertheless, a fair summary of his 30 years of association with human rights demanded an honest admission of the still outstanding differences and problems in what was, after all, a very new "ethos" in the span of world history. His country placed the highest priority on civil and political rights, the right to speak, write, assemble or worship, or not to do so. In that view, government was charged not just with noble ends; it was restrained from ignoble deeds.

52. In his country, it was not denied for a moment that there were other needs and goals, economic and social, necessary for the nourishment of the body and the realization of its potential. Those were called rights in United Nations documents and their fulfilment was the obligation of States. Such fulfilment, however, required more than a ceasing of repression. The extent of realization of economic and social rights depended on the State's resources as well as on its will and the question of development goals was mixed with those issues.

53. His country, more than any other, had contributed resources to that end. Nevertheless, development could not be achieved by resources from without.

Ultimately nothing improved without stable and reasonably honest and accountable government. That, surely, was what had been learned from repeated failures.

54. Some of the saddest scenes in the current world occurred under the claims of self-determination, originally the banner of the worthy opponents of colonial rule. That cry of freedom had been abused by those who would dissolve long-established political units and, in some instances, tear them apart in religious and ethnic disputes waged using torture, murder, arson and rape.

55. State observance of the fundamental principles of the Universal Declaration - respect for individual rights and group self-realization on the basis of equality and legal protection - would surely be more satisfying than the terrible violence seen as States were dismembered. The idea that people of different religions, ethnic backgrounds and cultures could not live fulfilling lives within a common sovereignty was contradicted by the experience of his own country and by that of Switzerland. What was clearly required was adherence to a system of individual and group rights under the umbrella of equality.

56. Those ever-proliferating conflicts throughout much of the world over religious and ethnic distinctions gave sad validation to President Kennedy's 1963 question: "What is peace after all but a matter of human rights?". All States knew the importance of human rights to peace, both civic and international, to development and prosperity. Unfortunately, some States had not been sufficiently dedicated to make the international human rights instruments and organs work as they should.

57. Some novel and, to some extent, controversial measures had been adopted even in the Security Council, involving humanitarian relief occasioned by gross human rights tragedies in Iraq, the former Yugoslavia and Somalia. Security Council resolution 688 (1991) had invoked the language of international peace and security in providing for humanitarian relief to needy populations in Iraq, in the wake of a war waged by a coalition under Chapter VII resolutions. Subsequently, the desperate human circumstances in the former Yugoslavia had occasioned Security Council action in efforts to furnish relief to long-suffering individuals. In Somalia, the Security Council had once again acted to relieve starving populations.

58. The question arose as to whether the claim of human rights on the international conscience, when joined with physical needs, would become the basis for a new international practice which might eventually seep into international law. The tragic condition of human rights, particularly in areas of armed conflict, was proof of the need for the restraints of the criminal law on the baser instincts of human nature.

59. Building on the traditions and precedents of the Nuremburg trials, the Security Council had established a War Crimes Commission and a Tribunal to bring the culprits in the former Yugoslavia to justice. That was necessary in the interests of justice and also as a contribution to the principle of

deterrence. It was absolutely essential that there should be assembled a sufficient prosecutorial staff. Otherwise the War Crimes Commission and Tribunal would be purely window-dressing.

60. As far as the work of the Commission was concerned, it was noteworthy that the highest priority was all too frequently not given to the grossest violations. The proceedings focused far too often on stale issues, and only a light brush-over was given to human rights calamities in which thousands were killed or wounded and in which women were bound in terrible conditions of inequality enforced by law.

61. It was critical that the integrity of the institutions established for the realization of human rights be preserved. That surely meant that the Commission, as the first line of defence of the rights of man, should be composed of the fittest representatives of those values. Which States were the best embodiments of those rights might be in dispute, but States whose conduct was currently the subject of reports by special rapporteurs approved by the Commission failed the most elementary test. Regions should therefore exercise great care to put forward for membership those whose conduct was not under current serious reproach.

62. He had recently been head of the United States delegation to the Interregional Human Rights Conference convened by the Council of Europe. The rapporteur on Theme I - Implementation of Human Rights - had reported that the situations most favourable to human rights were to be found in those countries which had pluralistic, democratically and periodically elected legislatures; independent judiciaries; the prevalence of the rule of law; a high degree of equality between men and women, and between racial, ethnic, linguistic and religious groups; and a commitment to providing support to those who had some form of personal disability or were economically or socially disadvantaged.

63. Those were goals towards which everyone must strive. However, his three decades of discussions on them had somewhat tempered his optimism and his advocacy. The question he asked himself was not what was ideal but what was possible. Although he firmly believed that the only moral basis for government was the consent of the governed, the victory by a temporary majority vote of those pledged to destroy democracy and abolish further elections was not in the interests of human rights. The rule of a Hitler could not be validated by a plebiscite.

64. There must always be strong structures ensuring that no election was the last and that all use of power was regularly checked at the ballot box. The exercise of power must always be limited by observance of civil and political rights so that there could be no tyranny of the majority. How that could be done, the many balances that must be struck between the protection of the individual and the survival of the State, posed tough and sobering questions.

65. He would soon be leaving his post in accordance with time-honoured traditions of his country by which administrations changed in free presidential elections never contested by the losers or by the armed forces.

He thanked his fellow members of the Commission for having given him the benefit of serving among them and of sharing their experience and their wisdom.

66. Mr. BROADBENT (International Centre for Human Rights and Democratic Development) said that violence against women had reached epidemic proportions around the world. The systematic rape and forced pregnancy of women in the former Yugoslavia had gained world attention, but human rights organizations had also reported widespread abuse of women's fundamental rights in Somalia, Liberia, Peru, Cambodia and Burma.

67. Violence against women took on many other forms as well: domestic battery, female infanticide, sexual slavery, dowry-related murders and genital mutilation. Discriminatory laws persisted in most countries, preventing women from attaining equality in the family, in education and in the workforce.

68. He thus urged the Commission to appoint a special rapporteur on gender discrimination and violence against women. Moreover the Secretariat should ensure that all the United Nations treaty bodies, thematic and country rapporteurs, working groups, independent experts and all other relevant bodies addressed violations of women's human rights, including gender-specific abuse. Member States should secure an equal representation of women and men on treaty bodies and working groups and among special rapporteurs and representatives.

69. The Commission should include in its agenda an item on the indivisibility of the political, civil, social, economic and cultural rights of women. He urged all Governments to include gender-specific information in the documentation they prepared for the World Conference on Human Rights. Furthermore, to ensure that women's rights were fully integrated into the deliberations of the World Conference, the Member States should encourage broad participation by non-governmental organizations.

70. Mr. VILLARROEL (Observer for the Philippines), speaking in exercise of the right of reply, said that the allegations made by the representative of the Philippine Alliance of Human Rights Advocates were totally without foundation. The military operations in question had certainly not been directed against the civilian population, which had been evacuated from the area concerned. Its aim had been to combat violent communist insurgency instigated by the New People's Army.

71. The accusation that nothing had been done to accommodate displaced families was equally untrue, since government departments had provided the necessary services and built centres to house those concerned. The operation, which had been completed, had not affected all parts of the country as alleged, but had been confined to a specific area where armed insurgency was rife.

72. Through its continued dialogue with non-governmental organizations, his Government had shown the importance it attached to cooperation to achieve peace and progress for the Philippines. The priority given by the Government to national reconciliation and the peace process were evidence of its commitment to the promotion and protection of human rights. It hoped for continued dialogue and cooperation from all sectors of Philippine society.

73. Mr. ALIYEV (Observer for Azerbaijan), speaking in exercise of the right of reply, said that the accusation that his country was pursuing a policy of State terrorism against Armenia was totally unsubstantiated. The facts showed rather that the opposite was the case. Armenian armed forces had blown up the only railway bridge between Azerbaijan and Georgia only days after those two countries had signed a cooperation agreement.

74. It should also be pointed out that Azerbaijan was hardly in a position to blockade Armenia which had borders with Georgia, Iran and Turkey, and was, in fact, receiving humanitarian assistance from the last of those countries. In any case, Armenia could hardly expect normal economic relations to be maintained when hundreds of Azeris were being killed every day by Armenians. Nevertheless, Azerbaijan had allowed emergency food aid for children to pass through its territory.

75. Mr. ABADJIAN (Observer for Armenia) speaking in exercise of the right of reply, said that the allegations made by the observer for Azerbaijan to the effect that Armenia was waging an undeclared war against Azerbaijan were totally false. One of Armenia's main foreign policy objectives was to establish a lasting peace in the region based on friendly relations between peoples. If the people of Nagorno-Karabakh had decided to opt for self-determination, it was because the Azerbaijani authorities had been for decades pursuing a policy of ethnic cleansing. Contacts with Armenia had been forbidden and cultural activities repressed, with the result that the people of Nagorno-Karabakh no longer believed that their fundamental human rights and human dignity could be guaranteed if the region remained an integral part of Azerbaijan.

76. It might well be true, as the representative of Azerbaijan had claimed, that there were 2,000 national minorities in the world but only 170 sovereign States. However, if a State failed to respect the most elementary rights of its national minorities, it abandoned any right to claim territorial integrity. The problem of Nagorno-Karabakh could, he agreed, be settled only through diplomatic channels on the basis of negotiation and dialogue. An immediate cease-fire should be proclaimed and negotiations begun without prior conditions.

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME IN SOUTH AFRICA (agenda item 6) (continued) (E/CN.4/1993/L.14/Rev.1; E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I A, draft resolution II)

Draft resolution E/CN.4/1993/L.14/Rev.1

77. Mr. MWENDA (Zambia), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Angola, Burundi, China, Cuba, Gambia, Guinea-Bissau, Kenya, Libyan Arab Jamahiriya, Mauritania and Pakistan and by the observers for Ethiopia and the United Republic of Tanzania, said that the text took account of the positive measures adopted by the South African Government, including South Africa's accession to several human rights conventions and the drafting of a human rights charter, which would form the foundation for democratic rights in the South Africa of the future. Despite the resumption of broad-based negotiations, however,

South Africa was not yet on an irreversible path towards dismantling apartheid and holding elections on the basis of "one man one vote".

78. Sanctions should be reviewed only on the basis of the progress made. The sponsors of the draft resolution welcomed the gradual lifting of sanctions in the cultural field and had moderated its language by substituting the phrase "racist regime" for "apartheid regime" in recognition of the removal of restrictions on individuals; but they were still alarmed by the fact that the process of militarization in South Africa had far outpaced that of democratization.

79. The military assistance given to the minority regime of South Africa was the single most effective instrument in maintaining the apartheid system and its capability to destabilize the independent States in the southern African region. Despite the arms embargo imposed by the United Nations, South Africa was among the world's major arms exporters. It was equally disturbing to note that 5 billion rands had been allocated for covert operations.

80. The sponsors of the draft resolution did not intend to encroach upon the purview of the Security Council; rather, they sought to highlight the implications of arms assistance for human rights. They hoped, therefore, that the draft resolution could be adopted without a vote.

81. Mr. FENN (United Kingdom) said that his delegation was unable to agree to the draft resolution being adopted without a vote. It had joined the consensus on draft resolution E/CN.4/1993/L.13, on the situation of human rights in South Africa, which had sent a clear and unanimous message to the South African Government. Moreover, draft resolution II, submitted to the Commission by the Sub-Commission, would, if adopted, provide a mandate for a respected expert, Ms. Judith Attah, to monitor the transition to democracy in South Africa.

82. In the circumstances, therefore, his delegation had been surprised at the belated appearance of draft resolution E/CN.4/1993/L.14/Rev.1. His Government considered that the mandatory Security Council arms embargo should remain in place and be enforced until a united, non-racial, democratic South Africa was achieved, but the draft resolution failed to mention the arms embargo or the machinery already in place to monitor it.

83. The draft resolution not only duplicated existing machinery, therefore, but was also implicitly critical of the Security Council committee established pursuant to resolution 421 (1977). Moreover, it contained language which his delegation had never been able to support, not least its title.

84. Mr. FLINTERMAN (Netherlands), speaking in explanation of vote before the vote, said that his delegation had also been surprised at the late appearance of draft resolution E/CN.4/1993/L.14/Rev.1, since the Commission already had before it a draft resolution proposed by the Sub-Commission that would give a mandate to a new special rapporteur. The draft resolution duplicated existing machinery, used language that his delegation had never been able to support and failed to take account of the recent progress made towards a democratic, non-racial South Africa. His delegation would therefore vote against it.

85. Mr. MWENDA (Zambia) said that there was no question of any duplication arising, since the work of monitoring the democratization process in South Africa, the subject of the draft resolution proposed by the Sub-Commission, was a very different matter. The draft resolution his delegation was sponsoring was a Commission resolution which sought specifically to draw attention to the human rights implications of military assistance to South Africa.

86. At the request of the representative of Zambia, a vote was taken by roll-call on draft resolution E/CN.4/1993/L.14/Rev.1.

87. The United Kingdom of Great Britain and Northern Ireland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: Bulgaria, Canada, Czech Republic, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Costa Rica, Finland, Peru, Republic of Korea, Russian Federation, Uruguay.

88. The draft resolution was adopted by 30 votes to 12, with 9 abstentions.

89. Mr. ZODIATES (Cyprus), speaking in explanation of vote, said that his delegation had voted in favour of draft resolution E/CN.4/1993/L.14/Rev.1 as a matter of principle and in the interests of consistency. However, it would have preferred different language to be used in many paragraphs. It also felt that account should have been taken of recent developments in South Africa and of the position of the Sub-Commission on the issue.

90. Mr. HALINEN (Finland) said that his delegation had abstained on draft resolution E/CN.4/1993/L.14/Rev.1 because it did not agree that the item in question should be retained on the Commission's agenda in future when other appropriate alternatives were available. It had hoped that adoption of draft resolution II, proposed by the Sub-Commission on the item, would produce a more accurate model for monitoring the situation in South Africa during the delicate transition period. The draft resolution also used language incompatible with the consensus texts previously adopted on the subject.

91. Mr. PORTALES (Chile) said that his delegation had voted in favour of draft resolution E/CN.4/1993/L.14/Rev.1 although it regretted that the language used did not reflect the many advances made towards eliminating apartheid and moving towards a democratic South Africa.

92. Mr. Cho Hyun DONG (Republic of Korea) said that, although his delegation strongly supported the international community's efforts to eradicate apartheid, it had abstained on draft resolution E/CN.4/1993/L.14/Rev.1 because the text failed to take account of recent developments in South Africa.

93. Mr. YAMAZAKI (Japan) said that his delegation had voted against draft resolution E/CN.4/1993/L.14/Rev.1 because it failed to reflect recent developments in South Africa and did not offer a sound basis for negotiations on reaching a consensus. Nevertheless, he wished to emphasize the importance of operative paragraph 10 of the draft resolution, requesting the Secretary-General to ensure the coordination of activities of the United Nations system, since such coordination was vital to avoid duplicating existing mechanisms. It was to be hoped that the matter could be dealt with in a more constructive way at the Commission's fiftieth session.

Draft resolution proposed by the Sub-Commission on monitoring the transition to democracy in South Africa (E/CN.4/1993/2 - E/CN.4/Sub.2/1992/58, chapter I A, draft resolution II)

92. Draft resolution II was adopted without a vote.

The meeting rose at 6.05 p.m.